



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,523	10/30/2000	Scott A. Wilber	2022/002D1	7309

24283 7590 03/28/2003

PATTON BOGGS
PO BOX 270930
LOUISVILLE, CO 80027

[REDACTED] EXAMINER

MAI, TAN V

ART UNIT	PAPER NUMBER
----------	--------------

2124

DATE MAILED: 03/28/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	09/699,523		Applicant(s)	P Mar, T.	
Examiner			Group Art Unit	214	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on 1-16-03.
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 57-66 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- Claim(s) 57-58 is/are allowed.
- Claim(s) 59-66 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413
- Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Art Unit: 2124

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The Declaration filed on 7/30/02 has been considered.
3. Applicant's arguments with respect to claims 57-66 have been considered but are moot in view of the new ground(s) of rejection.
4. Claims 59-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sudia et al '880.

As per independent claims 59 and 66, Sudia et al disclose, e.g., see Fig. 3, the invention substantially as claimed, including: a "smart card" (53) which is considered as the claimed "computer". The "smart card" may include either internal or external optional noise source for generating a random numbers, e.g., see col. 8, line 63 to col. 9, line 21. Therefore, "means for interfacing" shoulb be available for communicating between the "noise source" and "smart card". It would have been obvious to a person having ordinary skill in the art at the time the invention was made to desgn the claimed invention because the reference is an electronic device coupled to the "noise source" [for generating **true** random numbers] as claimed.

As per dependent claims 58 and 60-65, the detail features are obvious to a person having ordinary skill in the art because communications between two elements required some basic components such as interface means, storage means, valid check means.

5. Claims 59-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan. Vaughan has been dicussed in the previous office action (Paper No. 8).

Art Unit: 2124

As per independent claims 59 and 66, Vaughan discloses, e.g., see Fig. 2, the invention substantially as claimed, including: a lock computer (50) having a microprocessor (74) [which considered the claimed "computer"] and a random number generator (10). It is noted that Vaughan does not show the "means for interfacing"; however, such "means for interfacing" is implicitly disclosed from the Figure and the corresponding recitation.

As per dependent claims 58 and 60-65, the detail features are obvious to a person having ordinary skill in the art because communications between two elements required some basic components such as interface means, storage means, valid check means.

6. Due to the new ground of rejection cited above, that the office action is NON-FINAL
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan V. Mai whose telephone number is (703) 305-9761. The examiner can normally be reached on Tue-Fri from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are:

After-final (703) 746-7238

Official (703) 746-7239

Non-Official/Draft (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

TAN V. MAI
PRIMARY EXAMINER